

UNITED STATES FEDERAL COURT for the
DISTRICT OF VERMONT

Docket No. 2:22-cv-124

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2022 JUN 28 PM 4:18

BY CLE 
DEPUTY CLERK

RESIDENTS AND OCCUPANTS OF GREEN MOUNTAIN MOBILE MANOR:

TAMMY DOMINGUEZ, CHARLES POPE, WILL SHOREY, T.N., minor, by and through Carrie DuPrey, legal guardian and Mother,

CARRIE DUPREY, BONNIE LUSSIER, CHRISTOPHER LUSSIER, LYNN SUMNER, JR., A.J. and A.S., minors, by and through Lynn Sumner, Jr., legal guardian and Father, DIANE FERGUSON, MITCHELL MATTESON,

BONNIE ROSATI, LEA BISSETTE, C.G. and G.G., minors, by and through Lea Bissette, legal guardian and Mother, JOHN MacCONNELL, ANITA MacCONNELL, DENISE GROESBECK and ANTHONY CHAMBERS,

Plaintiffs

v.

TOWN OF FAIR HAVEN, VERMONT, JOSEPH GUNTER, TOWN MANAGER, SELECTBOARD CHRISTOPHER COLE, GLEN TRAVERSE, JAY BROWN, ROBERT RICHARDS, RICHARD GOODNOUGH, JOHN LULEK, HEALTH INSPECTOR, SEAN GALVIN, CONSTABLE

Defendants

COMPLAINT

1. The Plaintiffs are all residents of Green Mountain Mobile Manor Trailer Park, Fair Haven, Vermont.
2. The Town is a municipality in Vermont.
3. This Court has jurisdiction because what happened was in the State of Vermont and involves the violations of our 1983 civil rights for lack of Due Process of the 14th Amendment of the Constitution and involves our protected property right to water from the Town of Fair Haven. 28 U.S.C. 1331, 28 U.S.C. 1334 and 42 U.S.C. 1983.
4. Judge Christina Reiss said in the case of Brown v. Barre tenants have a protected right to water and the city had to give proper notice following the Vermont Law

Disconnect Statute Notice.

5. The government officials were acting under color of law.
6. Our landlord is behind on the water bill to the Town.
7. The Town of Fair Haven, Vermont shut the water off to our mobile homes in the trailer park. The notice we got was not in the form of the Statute and did not provide all the information that it was supposed to about medical problems and getting a note from a doctor. The notice did not follow the Vermont Statute and Due Process for our protected water property rights under the Fourteenth Amendment.
8. There are many disabled people in the trailer park and we went without water for three days, June 1, June 2 and the Town turned the water on Friday, June 3, 2022.
9. A resident has a Continuous Positive Airway Pressure machine (CPAP) to help with breathing difficulties and diabetics need to take extra special care of the cleanliness of their feet. Water is necessary for all these medical needs yet the Town of Fair Haven did not give Due Process Notice and shut the water off.
9. This made it very difficult because we have to take medicine, bathe ourselves and small children, flush toilets, cook, do dishes, wash clothes and other things we need water for.
10. The Town Health Officer, John Lulek, came to the park on Thursday, June 2, 2022 and handed out notices we could not live in the park without running water. He was asked to leave by a resident.
11. The Town sent Law Enforcement, Constable Sean Galvin, to the park with John

Lulek a few hours later and Mr. Lulek told us we had to move in 15 days.

12. The Town Manager, Joseph Gunter, was well aware the water was being shut off because it was by consensus of the Selectboard on May 31, 2022 at a meeting. Mr. Gunter and Selectboard Members Glen Traverse and Jay Brown were very Vocal about shutting the water off to our families.
13. The Fair Haven Town Ordinance for Water Shut Off was Amended on March 23, 2021 and Selectboard Member Glen Traverse was on the board and Joseph Gunter was the Town Manager. The Fair Haven Ordinance, Article 9, Disconnection of Service, says the Town must follow 24 V.S.A. 129, the Uniform Water and Sewer Disconnect.
14. Joseph Gunter and Glen Traverse were aware of the law the Town had to follow because the Vermont Law Disconnect Notice is mentioned in the Ordinance they approved in March. Yet they ignored the law, violated our civil rights and did not give us the Due Process Notice of the "Other Important Information" (medical) from the Uniform Notice. They shut the water off and let our families suffer.
15. The Town of Fair Haven has a history, custom or policy of violating people's civil rights and not following Statutes.
16. It was what the Town of Fair Haven did that caused us to have hardship, suffer and be emotionally upset.

DAMAGES

16. The residents of Green Mountain Mobile Manor have suffered because of what the Town did. We had hardship of not being able to flush our toilets, bathe ourselves and

young children, cook, do dishes, make prepared powdered drinks, coffee, tea, take medications, wash our clothes and more.

17. The residents of Green Mountain Mobile Manor have been emotionally upset by this and it was made worse with John Lulek coming twice and Law Enforcement Sean Galvin the Constable coming to our homes. This is a demonstration of power, authority and intimidation by Fair Haven Town Government and they were wrong to shut the water off without following the their own Ordinance, the Statute, Due Process, our civil rights and our protected property rights. We have medical needs and the need for water.
18. This is intentional or negligent infliction of emotional distress by the Town.
19. The Plaintiffs believe we deserve compensation above the \$75,000.00 amount and we would want a jury to hear what the Town of Fair Haven did to our families.
20. Plaintiffs have attached the Town Ordinance and the Notices the Town handed us.
21. We, as citizens of the United States of America, come to this Court to respectfully ask for protection of our civil rights under the United States Constitution and to protect us and our property.

Sincerely,



Dated:

